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Attorneys for Plaintiffs,  
ARISTA RECORDS LLC; UMG  
RECORDINGS, INC.; ATLANTIC  
RECORDING CORPORATION; and  
CAPITOL RECORDS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARISTA RECORDS LLC, a Delaware limited  
liability company; UMG RECORDINGS, INC.,  
a Delaware corporation; ATLANTIC  
RECORDING CORPORATION, a Delaware  
corporation; and CAPITOL RECORDS, INC., a  
Delaware corporation,  
Plaintiffs,

v.

JOHN DOE,  
Defendant.

ORIGINAL  
FILED  
AUG - 9 2007  
E-filing  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

C07-04118  
CASE NO..

SBA

EX PARTE APPLICATION FOR LEAVE  
TO TAKE IMMEDIATE DISCOVERY

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26  
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum  
3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound  
6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
7 third party Internet Service Provider ("ISP") to determine the true identities of Defendant John Doe,  
8 who are being sued for direct copyright infringement.

9 2. As alleged in the complaint, the Defendant John Doe, without authorization, used an  
10 online media distribution system to download Plaintiffs' copyrighted works and/or distribute  
11 copyrighted works to the public. Although Plaintiffs do not know the true name of Defendant John  
12 Doe, Plaintiffs have identified Defendant by a unique Internet Protocol ("IP") address assigned to  
13 Defendant on the date and time of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail  
16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot  
17 identify the Defendant John Doe or pursue their lawsuit to protect their copyrighted works from  
18 repeated infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
20 Rule 26(f) conference where there are no known defendants with whom to confer.

21 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the  
22 foregoing requested discovery immediately.

23 Dated: August 9, 2007

HOLME ROBERTS & OWEN LLP

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25  
26 By: 

27 MATTHEW FRANKLIN JAKSA  
28 Attorney for Plaintiffs,